

Appl. No. 10/666,392  
Amdt. dated May 12, 2005  
Reply to Office action of April 7, 2005

## **REMARKS/ARGUMENTS**

Applicant first wishes to thank the Examiner for the courtesy of the telephone interview on April 19, 2005.

In her Office action, the Examiner requests clarification (paragraph A on page 3) as to why applicant's Willow Oak tree was a 2" caliper at approximately four years old. Her thought was that applicant meant 2'. After discussing this matter with the Examiner, Applicant's attorney asked Applicant about this and was told that indeed the measurement at four years was 2". According to Applicant, at the time tree was planted, the tree was not fertilized, nor was any fertilizer used in succeeding years. Accordingly, Applicant believes the 2" tree to be entirely consistent with the way trees were grown at that time. He notes that the recent trend is to not only to use fertilizer, but that modern fertilizers promote more rapid growth such that a 0.75"-1.00" annual growth rate would now be the norm.

With respect to the Examiner's request for correction (Paragraph B on page 3) to provide a complete botanical description of his tree, Applicant has amended the section of his description relating to the acorn produced by his Willow Oak tree.

With respect to the Examiner's request for correction (Paragraph C on page 3), Applicant has amended the Propagation section of his description to particularly point out where and in what manner his Willow Oak tree was asexually reproduced.

Finally, Applicant has amended his claim 1 to specifically claim a "Willow Oak tree".

Based upon the foregoing, allowance of the application is requested.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. Joseph Muller". The signature is fluid and cursive, with the first name "J." and last name "Muller" clearly distinguishable.

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